

06-0-2312

City Council  
Atlanta, Georgia

AN ORDINANCE  
BY: ZONING COMMITTEE

**Z-06-105A**  
Date Filed: 9-11-06

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **1785 Kimberly Road, S.W.**, be changed from the R-1 (Single-family Residential) District to the R4B (Single-family Residential) District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 30 of the 14<sup>th</sup> ff District, Fulton County, Georgia being more particularly described by the attached legal description and/or survey.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 30 OF THE 14TH DISTRICT OF FORMERLY FAYETTE, NOW FULTON COUNTY, GEORGIA, CONTAINING 29.32 ACRES, MORE OR LESS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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**BEGINNING** AT A 1.0-INCH CRIMP TOP PIPE LOCATED AT THE INTERSECTION OF THE EASTERN RIGHT-OF-WAY LINE OF KIMBERLY ROAD (60-FOOT RIGHT-OF-WAY) AND THE NORTH LINE OF SAID LAND LOT 30;

THENCE SOUTH  $86^{\circ}48'04''$  EAST, ALONG THE NORTH LINE OF SAID LAND LOT 30, 1045.35 FEET TO A ½-INCH REBAR FOUND AT THE POINT OF INTERSECTION OF THE NORTH LINE OF SAID LAND LOT 30 AND THE WESTERN RIGHT-OF-WAY LINE OF SEABOARD COASTLINE RAILROAD (100-FOOT RIGHT-OF-WAY);

THENCE IN A SOUTHERLY DIRECTION ALONG THE WESTERN RIGHT-OF-WAY LINE OF SEABOARD COASTLINE RAILROAD AND FOLLOWING THE CURVATURE THEREOF, THE FOLLOWING COURSES AND DISTANCES:

- COUNTERCLOCKWISE ALONG THE ARC OF A CIRCULAR CURVE, AN ARC DISTANCE OF 304.03 FEET TO A POINT (THE PRECEDING ARC BEING SUBTENDED BY A CHORD BEARING SOUTH  $33^{\circ}28'04''$  WEST, A DISTANCE OF 303.95 FEET AND HAVING A RADIUS OF 3881.52 FEET);
- COUNTERCLOCKWISE ALONG THE ARC OF A CIRCULAR CURVE, AN ARC DISTANCE OF 918.52 FEET TO A POINT (THE PRECEDING ARC BEING SUBTENDED BY A CHORD BEARING SOUTH  $17^{\circ}09'01''$  WEST, A DISTANCE OF 910.19 FEET AND HAVING A RADIUS OF 1966.38 FEET);
- COUNTERCLOCKWISE ALONG THE ARC OF A CIRCULAR CURVE, AN ARC DISTANCE OF 71.00 FEET TO A POINT (THE PRECEDING ARC BEING SUBTENDED BY A CHORD BEARING SOUTH  $03^{\circ}18'25''$  WEST, A DISTANCE OF 71.00 FEET AND HAVING A RADIUS OF 2144.61 FEET);
- THENCE SOUTH  $02^{\circ}21'30''$  WEST, 628.34 FEET TO A ½-INCH REBAR LOCATED AT THE POINT OF INTERSECTION OF THE WESTERN RIGHT-OF-WAY LINE OF SEABOARD COASTLINE RAILROAD AND THE NORTHERN RIGHT-OF-WAY LINE OF MELVIN DRIVE (50-FOOT RIGHT-OF-WAY);

THENCE NORTH  $84^{\circ}14'28''$  WEST, ALONG THE NORTHERN RIGHT-OF-WAY LINE OF MELVIN DRIVE, 118.22 FEET TO A ½-INCH REBAR FOUND AT THE POINT OF INTERSECTION OF THE NORTHERN RIGHT-OF-WAY LINE OF MELVIN DRIVE AND THE EASTERN LINE OF LOT 5, KIMBERLY CROSSING SUBDIVISION PHASE I, PURSUANT TO PLAT RECORDED IN PLAT BOOK 190,

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PAGE 124, OFFICE OF THE CLERK OF THE SUPERIOR COURT OF FULTON COUNTY, GEORGIA;

THENCE NORTH 02°21'31" EAST, ALONG THE EAST LINE OF SAID LOT 5, 173.51 FEET TO AN IRON PIN SET; THENCE NORTH 84°14'28" WEST, ALONG THE NORTH LINE OF LOTS 5, 4, 3, 2 AND 1, KIMBERLY CROSSING SUBDIVISION PHASE I, 501.92 FEET TO A ½-INCH REBAR FOUND;

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THENCE NORTH 03°22'27" EAST, 64.99 FEET TO A POINT;

THENCE NORTH 03°22'27" EAST, 210.00 FEET TO A POINT;

THENCE NORTH 88°07'17" WEST, 4.54 FEET TO A POINT LOCATED ON THE EASTERN RIGHT-OF-WAY LINE OF KIMBERLY ROAD;

THENCE IN A NORTHERLY DIRECTION ALONG THE EASTERN RIGHT-OF-WAY LINE OF KIMBERLY ROAD AND FOLLOWING THE CURVATURE THEREOF, THE FOLLOWING COURSES AND DISTANCES:

- COUNTERCLOCKWISE ALONG THE ARC OF A CIRCULAR CURVE, AN ARC DISTANCE OF 44.87 FEET TO A POINT (THE PRECEDING ARC BEING SUBTENDED BY A CHORD BEARING NORTH 05°36'35" EAST, A DISTANCE OF 44.86 FEET AND HAVING A RADIUS OF 626.03 FEET);
- COUNTERCLOCKWISE ALONG THE ARC OF A CIRCULAR CURVE, AN ARC DISTANCE OF 29.42 FEET TO A POINT (THE PRECEDING ARC BEING SUBTENDED BY A CHORD BEARING NORTH 01°25'31" WEST, A DISTANCE OF 29.42 FEET AND HAVING A RADIUS OF 2013.86 FEET);
- THENCE NORTH 02°49'29" EAST, 30.83 FEET TO A POINT;

THENCE, LEAVING THE EASTERN RIGHT-OF-WAY LINE OF KIMBERLY ROAD, SOUTH 88°07'17" EAST, 5.54 FEET TO A POINT;

THENCE NORTH 03°22'27" EAST, 104.00 FEET TO A POINT;

THENCE NORTH 87°51'34" WEST, 22.11 FEET TO A POINT LOCATED ON THE EASTERN RIGHT-OF-WAY LINE OF KIMBERLY ROAD;

THENCE IN A NORTHERLY DIRECTION ALONG THE EASTERN RIGHT-OF-WAY LINE OF KIMBERLY ROAD AND FOLLOWING THE CURVATURE THEREOF, THE FOLLOWING COURSES AND DISTANCES:

- NORTH 05°24'19" WEST, 623.22 FEET TO A POINT;

- COUNTERCLOCKWISE ALONG THE ARC OF A CIRCULAR CURVE, AN ARC DISTANCE OF 242.39 FEET TO A POINT (THE PRECEDING ARC BEING SUBTENDED BY A CHORD BEARING NORTH 02°35'18" EAST, A DISTANCE OF 241.48 FEET AND HAVING A RADIUS OF 809.31 FEET);
- NORTH 13°48'53" EAST, 307.95 FEET TO A 1.0-INCH CRIMP TOP PIPE LOCATED AT THE POINT OF INTERSECTION OF THE EASTERN RIGHT-OF-WAY LINE OF KIMBERLY ROAD AND THE NORTH LINE OF SAID LAND LOT 30 AND THE **POINT OF BEGINNING**.

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